UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ALLEN, WILLIAM J

ART UNIT	PAPER NUMBER
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/771,890	REBER, HOBIE
	Examiner	Art Unit	
	William J. Allen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 July 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>2/4/2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Prosecution History Summary

Claims 1-20 are pending examination and rejected as set forth below.

Response to Appeal

In view of the Appeal Brief filed on June 22, 2006, PROSECUTION IS HEREBY

REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below:

Response to Arguments

1.   Applicant's arguments, see appeal brief section VIII, B pages 9-11 with respect to the

rejection(s) of claim(s) 1-2 under 35 USC 102(b) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new

ground(s) of rejection is made in view of Brunson and Russell. The rejection of claims 3-7,

which depend from claim 1, is also withdrawn on the same basis.

Applicant's remarks regarding claims 3 and 6 are moot in view of new grounds of

rejection.

Applicants arguments with respect to claims 4, 5, and 7 regarding the teachings of

Pugliese have been fully considered but are notf persuasive.

Regarding claim 4, Pugliese teaches where a merchant or merchant administrator is

registered, can logon to the system to update merchant information in the database, and can

request their password if the password is lost or forgotten (see at least: 0275, 0277, 0332, Fig.

20-21). Thereby, Pugliese teaches a means for modifying merchant information in the database.

Regarding claim 5, Pugliese teaches where a merchant or merchant administrator is

registered, can logon to the system to update merchant information in the database, and can

request their password if the password is lost or forgotten (see at least: 0275, 0277, 0332, Fig.

20-21). Thereby, Pugliese teaches a password associated with the merchant.

Regarding claim 6, 892u teaches a mall kiosk equipped with a touch screen monitor.

892u further teaches a window that provides a sales assistant for providing the location of a

desired product and an animated (i.e. electronic map) on the touch screen showing current

location and how to get to the desired product. Thereby, 892u teaches an electronic map

associated with the mall and the merchant location depicted on the map.

Regarding claim 7, Pugliese explicitly states that a merchant can upload color images to

the database using product image loading 1510. Additionally, the image data is accessed by a

shopper while using the system (see at least: 0271-0272, 0279, 0368, claim 14). Pugliese clearly

teaches the aspects of claim 7.

2.   Applicant's arguments filed 7/31/2006 regarding claims 8-20 have been fully considered

but they are not persuasive.

On pages 11-12 Applicant contests that Brunson fails to show "inputting a product list of

the merchant...for sale by the merchant". The Examiner disagrees and further notes that at no

point as the Examiner admitted that Brunson fails to teach such a feature. To the contrary, the

Examiner noted (with regards to claim 20) that Brunson did not show inputting _inventory_ which

is associated with the product list. Inputting inventory and inputting a product list are distinctly

different and simply lacking inputting _inventory_ does not establish that inputting a _product list_ is

also lacking, thereby Applicant's assertion that by lacking the aspect of inputting inventory the

aspect of inputting a product list is also lacking is incorrect.

Further regarding claim 8, Brunson teaches a database for use in locating merchants and

products of merchant within a shopping mall. Additionally, the database of Brunson contains

information such as availability, locations, price, retailer, etc. With regards specifically to the

aspect of _inputting_, the Examiner notes that because the database has information pertaining to

items for sale by the retailer (i.e. merchant), that information must have been input to the system

(see at least: abstract, 0007, 0029, 0038). The claim fails to limit how the information is input

and who is inputting the information, thereby, simply having the information in the database

satisfies the concept of inputting the necessary information as it is necessary for some type of

inputting to take place for the information to be maintained in the database. Regarding the

product list, a retailer such as JCPenny has a list of product types and individual products in the

database to allow the customer to locate desired products (see at least: Fig. 8-11).

Regarding claim 10, Brunson shows where link 5 of Figure 1 can be wired or wireless

(see at least: 0031). The wireless links 5 connect each of the components of the system to the

network, thereby, Brunson teaches where the first access is wireless.

Regarding claim 11, Brunson shows providing a remote server where the database is

stored on the remote server (see at least: Fig. 1). Brunson also states that the components of the

electronic commerce system may be located at *distant points* of a *distributed* network (see at

least: 0030). The Examiner notes that the product/database server is situated away from the other

components and is therefore remote with respect to the network and other connected

components.

Regarding claim 12 (which parallels claim 4), Pugliese teaches where a merchant or

merchant administrator is registered, can logon to the system to update merchant information in

the database, and can request their password if the password is lost or forgotten (see at least:

0275, 0277, 0332, Fig. 20-21). Thereby, Pugliese teaches a second access for modifying

merchant information in the database.

Regarding claim 13, Brunson shows where accessing the product database server is done

through a network using remote devices (see at least: Fig. 1). Simply labeling the different deices

"a first access" , a "second access", etc. does not distinguish the elements.

Regarding claims 14 (which parallels claim 5), Pugliese teaches where a merchant or merchant administrator is registered, can logon to the system to update merchant information in the database, and can request their password if the password is lost or forgotten (see at least: 0275, 0277, 0332, Fig. 20-21). Thereby, Pugliese teaches providing a password associated with the merchant.

Regarding claim 15, Applicant's arguments are moot in view of new grounds of rejection.

Regarding claim 16, 892u teaches a mall kiosk equipped with a touch screen monitor. 892u further teaches a window that provides a sales assistant for providing the location of a desired product and an animated (i.e. electronic map) on the touch screen showing current location and how to get to the desired product. Thereby, 892u teaches an electronic map associated with the mall and the merchant location depicted on the map.

Regarding claim 17 (which parallels claim 17), Pugliese explicitly states that a merchant can upload color images to the database using product image loading 1510. Additionally, the image data is accessed by a shopper while using the system (see at least: 0271-0272, 0279, 0368, claim 14). Pugliese clearly teaches all the aspects of claim 17.

Regarding claim 18, Brunson teaches returning the location (i.e. *geographic* information) of a product by searching for the product using the interface and criteria such as locality (see at least: abstract, 0032). The user may also be directed through geographical restrictions to find a product (see at last Fig. 2-11).

Regarding claim 19, . Pugliese teaches inputting user information *into the database via the computer system wherein the information is associated with the user* and *searching the product list in the merchant information based on the user information* (see at least: 0117, 0143, 0177-0179). Pugliese states that the system has a database of shopper preferences and habits, from which a profile is created to facilitate special offers based on the preferences (see at least: 0013, 0206).

Regarding claim 20, Pugliese teaches where product availability can be checked by a shopper. Additionally, the merchant data domain stores store specific inventory information. Furthermore, and update (i.e. modify) inventory function allows inventories to be directly associated with products as product attributes (i.e. associated with the product list of the merchant), with the merchant being responsible for updating product inventory (see at least: abstract, 0099, 0126, 0151, 0278-0279, 0282-0284, 0335).

Regarding the combination of Brunson and Pugliese, the Examiner notes that not only do both Brunson and Pugliese pertain to shopping in a multi dealer retail establishment such as a mall using a terminal or kiosk located at the establishment, Pugliese provides ample motivation for one of ordinary skill in the art to have been motivated to combine Brunson and Pugliese (noted herein below as well as in the previous action).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   **Claims 10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being**

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 10 and 13 recite the limitation "first access" in lines 1 of each claim. There is

insufficient antecedent basis for this limitation in the claim. The Examiner notes that the

amendment filed 3/20/2006 removed the term "first access" from the claim language. For

purposes of examination, the first access will be treated as previously claimed with regards to

viewing the merchant information in the database.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 1-3, 8-11, 13, 15, and 18 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Brunson in view of Russell (US 20020083061).

Regarding claim 1, Brunson teaches a system for use in a multi dealer retail

establishment such as a shopping mall (see at least: abstract). More specifically, Brunson

teaches:

a computer network (see at least: Fig. 1, 0002, 0026, 0030-0031, 0037);

a database associated with the computer network (see at least: Fig. 1, abstract, 0007,

0026, 0029, 0037-0038, 0047);

a computer terminal located in the multi-dealer retail establishment (see at least:

abstract, 0007, 0026-0027, Fig. 1, 10-11)

   wherein the computer terminal connects the computer to the computer network

(see at least: Fig. 1, 0026-0027, 0030) *and*

   enables access to item information and merchant information (see at least:

abstract, 0007, 0037-0038, Fig. 2-11) *and further wherein*

   the computer terminal is remote with respect to the database (see at least:

abstract, 0030, Fig. 1) *and*

determines the location of the item in the multi-dealer retail establishment by

searching the item information in the database (see at least: abstract, 0007, 0032, 0035

(Note: a free form search is performed by input of criteria such as a request for a specific

product or service)) *wherein*

the item information is associated with the location of the merchant in the multi-

dealer retail establishment (see at least: abstract, 0007, 0035, 0038, Fig. 7-11).

Brunson teaches all of the above and also teaches a database containing *merchant information*

wherein the merchant information is associated with a location of the merchant in the multi-

dealer retail establishment and *item information wherein the item information is associated with*

a description of the item and a price of the item (see at least: abstract, 0002, 0004, 0007, 0029,

0038, Fig. 2-11). Brunson, however, does not explicitly state *a means for inputting* the merchant

and item information; however, Brunson does suggest a connection to other components on the

distributed network through additional elements that may communicate with and supply   .

information to the already connected elements (see at least: Fig. 1 (#5), 0031). Additionally, the

Examiner notes that there is an implicit suggestion of a means for inputting the required

information. More specifically, there has to be some "means" present to allow the information to

be input, though Brunson is silent pertaining to this aspect.

In the same field of endeavor, Russell teaches a system and method for providing searchable

electronic databases for use in tradeshows (i.e. *multi-dealer establishments*). Though a computer

network, vendors (i.e. merchants) upload specified amounts of information such as the vendor's

products and related information via a secure web page (see at least: 0007, 0009, 0014, claim 7).

Thereby, Russell teaches *a means for inputting merchant information wherein the merchant*

information is associated with a location of the merchant in the multi-dealer retail establishment

and *means for inputting item information wherein the item information is associated with a*

description of the item and a price of the item (see at least: abstract, 0002, 0007, 0009, 0014,

claim 1 and 7). It would have been obvious to one of ordinary skill in the art at the time of

invention to have modified the invention of Brunson to have included *a means for inputting*

merchant and item information as taught by Russell in order to allow vendors to upload

information into an electronic database compatible with searchable reader software thereby

facilitating efficient search for and generation of desired information for a user in a multi dealer

establishment (see at least: Russell, abstract, 0006, 0008).

Regarding claim 2, Brunson teaches *wherein the computer network is the internet* (see at

least: 0030).

Regarding claim 3, Brunson teaches all of the above as noted and further teaches *a*

remote server wherein the database is contained on the remote server (see at least: Fig. 1, 0030).

Brunson, though teaching the use of the Internet, does not expressly teach *a website providing*

access to the database. Russell teaches *a website for access to the database* (see at least:

abstract, 0007, 0009, 0012). It would have been obvious to one of ordinary skill in the art at the

time of invention to have modified the invention of Brunson to have included *a website for*

access to the database as taught by Russell in order to allow vendors to upload information into

an electronic database compatible with searchable reader software thereby facilitating efficient

search for and generation of desired information for a user in a multi dealer establishment (see at

least: Russell, abstract, 0006, 0008).

Regarding claim 8, Brunson teaches:

providing a computer network (see at least: Fig. 1, 0002, 0026, 0030-0031, 0037);

providing a database connected to the computer network wherein the database stores

merchant information associated with the merchant and further wherein the merchant

information has the location of the merchant within the multi-dealer retail establishment (see at

least: abstract, 0007, 0029, 0038, Fig. 1, 3-11);

providing a terminal in the multi-dealer retail establishment wherein the terminal access

the database for displaying the merchant information of the merchant in the database via a

computer network wherein the terminal is only accessible at the multi-dealer retail establishment

(see at least: abstract, 0007, 0027, Fig. 1, 10-11); The Examiner notes that the kiosk may be

located in many venues such as a shopping mall (i.e. *multi dealer establishment*) wherein the

kiosk is only accessible in that venue (e.g. the user may only access the shopping mall kiosk

while in the shopping mall).

determining the location of the merchant in the multi-dealer retail establishment based

on the product list wherein the terminal displays the location of the item in the multi-retail

establishment based on the merchant information (see at least: abstract, 0007, 0035, 0038, Fig.

10-12). The Examiner notes that, based on the input criteria such as a specific product, the

system determines a retailer (i.e. a *merchant location* in the shopping mall) for that specific

product. Additionally, the interfaces used displays the results (i.e. product location for a product location search) on display 130 of Fig. 1.

Brunson additionally teaches the database having a product list of the merchant wherein the product list has item information associated with items offered for sale by the merchant (see at least: abstract, 0007, 0029, 0038). The Examiner notes that the product server database contains information on products available from various retailer (i.e. a list of products available at the different retailers). Furthermore, Brunson shows *searching the product list in the merchant information based on item information associated with the item* (see at least: abstract, 0007, 0032, 0035). Brunson merely lacks and <u>explicit</u> statement of *inputting the product list*.

Russell teaches a vendor uploading via a secure web page information such as the vendor's name, web site, products offered, etc. (see at least: 0007, 0009). By explicitly teaching the inputting of the vendor's products (i.e. *a product list*), Russell teaches the implicitly implied step of *inputting a product list*. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included *inputting a product list* as taught by Russell in order to allow vendors to upload information into an electronic database compatible with searchable reader software thereby facilitating efficient search for and generation of desired information for a user in a multi dealer establishment (see at least: Russell, abstract, 0006, 0008).

Regarding claims 9-11, 13, Brunson teaches:

(9) *wherein the computer network is the internet* (see at least: 0030);

(10) *wherein the first access to the database is wireless* (see at least: 0031);

(11) *providing a remote server and storing the database on the remote server* (see at

least: Fig. 1, 0030).

(13) *wherein the first access is from a remote computer terminal with respect to the*

database (see at least: abstract, 0031, Fig. 1).

Regarding claim 15, Brunson teaches all of the above as noted and further teaches *a*

remote server wherein the database is contained on the remote server (see at least: Fig. 1, 0030).

Brunson, though teaching the use of the Internet, does not expressly teach *a computer website*

providing access to the database wherein the computer website is remote with respect to the

database. Russell teaches *a computer website providing access to the database wherein the*

computer website is remote with respect to the database (see at least: abstract, 0007, 0009,

0012). Additionally, the user may access the database through the web site over a wireless

network using a dedicated computer system supplied at the tradeshow (see at least: abstract,

0012). By accessing the database wirelessly through the web page, the web page is remotely

located from the database at the computer of the user. It would have been obvious to one of

ordinary skill in the art at the time of invention to have modified the invention of Brunson to

have included *a computer website providing access to the database wherein the computer*

website is remote with respect to the database as taught by Russell in order to allow vendors to

upload information into an electronic database compatible with searchable reader software

thereby facilitating efficient search for and generation of desired information for a user in a multi

dealer establishment (see at least: Russell, abstract, 0006, 0008).

Regarding claim 18, Brunson teaches *wherein the item information includes geographic*

information associated with the item for sale by the merchant (see at least: abstract, 0032). The

Examiner notes that Brunson teaches returning the location (i.e. *geographic* information) of a

product by searching for the product using the interface and criteria such as locality (see at least:

abstract, 0032). The user may also be directed through geographical restrictions to find a

product (see at last Fig. 2-11). Thereby, Brunson teaches geographical information *associated*

with the item for sale.

7.   **Claims 4-5, 7, 12, 14, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Brunson in view of Russell as applied to claims 1 and 8 above, and

further in view of Pugliese III et al. (US 20010044751, herein referred to as Pugliese).

        Regarding claim 4, Brunson in view of Russell teach all of the above as noted and

further teach a means for inputting merchant information (see at least: Brunson, abstract, 0002,

0004, 0007, 0029, 0038, Fig. 2-11; Russell, abstract, 0002, 0007, 0009, 0014, claim 1 and 7). It).

Brunson in view of Russell, however, do not expressly teach *a means for modifying the merchant*

information. Pugliese teaches a mall kiosk available to shoppers (see at least: abstract). Pugliese

further teaches a merchant or "merchant administrator" with the ability to logon and update (i.e.

modify) the merchant information in the database, and thereby teaches *means for modifying the*

merchant information (see at least: abstract, 0275, 0277, 0334-0336, 0340-0341, Fig. 21). It

would have been obvious to one of ordinary skill in the art at the time of invention to have

modified the invention of Brunson in view of Russell to have provided *a means for modifying the*

merchant information as taught by Pugliese in order to provide a merchant management

function that allows a merchant administrator to logon and easily update the merchant

information for a specific merchant location (see at least: Pugliese, 0275, 0336).

        Regarding claim 5 and 14, Brunson in view of Russell teaches all of the above as noted

and further teaches a secure web page available for vendors (i.e. merchants) to upload

information to a database (see at least: Russell, abstract, 0007, 0009). Brunson in view of

Russell, however, does not expressly teach wherein *a password associated with the merchant for*

accessing the merchant information in the database. Pugliese teaches a registered merchant or

merchant administrator logging into the ShopLive system and updating merchant information

(see at least: abstract, 0275, 0277, 0334-0336, 0340-0341, Fig. 21). Pugliese further teaches

wherein the merchant may receive their password via email when using the lost password request

function (see at least: 0332, Fig. 20 #100 and #106). It would have been obvious to one of

ordinary skill in the art at the time of invention to have modified the invention of Brunson in

view of Russell to have included *a password associated with the merchant for accessing the*

merchant information in the database as taught by Pugliese in order to provide a merchant

management function that allows a merchant administrator to logon and easily update the

merchant information for a specific merchant location (see at least: Pugliese, 0275, 0336).

   Regarding claim 7, Brunson in view of Russell teaches all of the above and further

teaches uploading images in real-time to shoppers (see at least: Fig. 11). Brunson, however, does

not expressly teach *a means for inputting an image associated with the item in the item*

information in database and a means for accessing the image associated with the item in the

database from the computer terminal. Pugliese teaches *a means for inputting an image*

associated with the item in the item information in database and a means for accessing the image

associated with the item in the database from the computer terminal (see at least: 0271-0272,

0279, 0368, Fig. 15, claim 14). It would have been obvious to one of ordinary skill in the art at

the time of invention to have modified the invention of Brunson in view of Russell to have

included *a means for inputting an image associated with the item in the item information in*

database and a means for accessing the image associated with the item in the database from the

computer terminal as taught by Pugliese in order to provide a system that supports content (such as images), thereby displaying to the shopper different views in order to allow them to better assess a product for purchase (see at least: Pugliese, 0010, 0125).

Regarding claim 12, Brunson in view of Russell teach all of the above as noted and further teach a means for inputting merchant information (see at least: Brunson, abstract, 0002, 0004, 0007, 0029, 0038, Fig. 2-11; Russell, abstract, 0002, 0007, 0009, 0014, claim 1 and 7). It). Brunson in view of Russell, however, do not expressly teach *providing a second access to the database for modifying the merchant information via the computer network.* Pugliese teaches a merchant or "merchant administrator" with the ability to logon and update (i.e. modify) the merchant information in the database, and thereby teaches *providing a second access to the database for modifying the merchant information via the computer network* (see at least: abstract, 0275, 0277, 0334-0336, 0340-0341, Fig. 21). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson in view of Russell to have provided *providing a second access to the database for modifying the merchant information via the computer network* as taught by Pugliese in order to provide a merchant management function that allows a merchant administrator to logon and easily update the merchant information for a specific merchant location (see at least: Pugliese, 0275, 0336).

Regarding claim 17, Brunson in view of Russell teaches all of the above and further teaches uploading images in real-time to shoppers (see at least: Fig. 11). Brunson, however, does not expressly teach *downloading an image into the item information of the item in the database*

via the computer network wherein the image is associated with the item. Pugliese teaches

downloading an image into the item information of the item in the database via the computer

network wherein the image is associated with the item (see at least: 0271-0272, 0279, 0368, Fig.

15). It would have been obvious to one of ordinary skill in the art at the time of invention to have

modified the invention of Brunson in view of Russell to have included *downloading an image*

into the item information of the item in the database via the computer network wherein the image

is associated with the item as taught by Pugliese in order to provide a system that supports

content (such as images), thereby displaying to the shopper different views in order to allow

them to better assess a product for purchase (see at least: Pugliese, 0010, 0125).

Regarding claim 19, Brunson in view of Russell teaches all of the above and further

teaches a user inputting information and performing a search based on the information (see at

least: abstract). Brunson however does not expressly show *inputting user information into the*

database via the computer system wherein the information is associated with the user and

searching the product list in the merchant information based on the user information. Pugliese

teaches *inputting user information into the database via the computer system wherein the*

information is associated with the user and *searching the product list in the merchant*

information based on the user information (see at least: 0013, 0117, 0143, 0177-0179, 0206). It

would have been obvious to one of ordinary skill in the art at the time of invention to have

modified the invention of Brunson in view of Russell to have included inputting user information

into the database via the computer system wherein the information is associated with the user

and *searching the product list in the merchant information based on the user information* as

taught by Pugliese in order to provide a system that allows access to shopper profile information

interactively during a shopping session to determine shopper preferences and allow merchants to

serve the shopper better (see at least: Pugliese, 0117).

Regarding claim 20, Brunson in view of Russell teaches all of the above and further

teaches accessing product availability information (see at least: abstract). Brunson, however,

does not expressly show *inputting inventory of the merchant into the database via the computer*

system wherein the inventory is associated with the product list of the merchant and further

wherein the inventory includes the item for sale and modifying the inventory of the merchant via

the computer system. Pugliese teaches *inputting inventory of the merchant into the database via*

the computer system wherein the inventory is associated with the product list of the merchant

and further wherein the inventory includes the item for sale and modifying the inventory of the

merchant via the computer system (see at least: 0099, 0126, 0140). It would have been obvious

to one of ordinary skill in the art at the time of invention to have modified the invention of

Brunson in view of Russell to have included *inputting inventory of the merchant into the*

database via the computer system wherein the inventory is associated with the product list of the

merchant and further wherein the inventory includes the item for sale and modifying the

inventory of the merchant via the computer system as taught by Pugliese in order to provide a

system that supports shoppers by checking availability of items for sale at a store location and

helps the shopper complete the purchase as in a normal transaction (see at least: Pugliese,

abstract).

8.   **Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in vies of Russell as applied to claims 1 and 8, and in further view of 892u.**

Regarding claim 6 and 16, Brunson in view of Russell teaches locating an item in a multi retailer establishment (see at least: Brunson, abstract; Russell, abstract). Russell further teaches how providing a map can be advantageous for shoppers to locate vendors and items (see at least: 0004). Brunson in view of Russell, however, does not expressly teach *an electronic map associated with the multi dealer retail establishment wherein the location of the merchant associated with the item information is displayed on the electronic map.* 892u teaches a mall kiosk equipped with a touch screen monitor. 892u further teaches a window on the monitor of the mall kiosk that provides a sales assistant for providing the location of a desired product and an animated (i.e. electronic map) on the touch screen showing current location and how to get to the store containing desired product (see at least: Paragraph 1). It would have been obvious to one of ordinary skill in the art to have modified the invention of Brunson in view of Russell to have included *displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map* as taught by 892u in order to provide an easy, interactive means for displaying an animated map directing a shopper to a particular store, thereby assisting the shopper in locating the product quickly (see at least: 892u, Page 1).

Additional Rejection of Claims

The Examiner notes that the rejection of claims 8-11, 13, and 18 under 35 USC 102(b) in the

Final Action mailed 5/18/2006 has also been maintained in this action and is set forth below.

The rejection of claims 9-14 and 16-20 under 35 USC 103(a) in the Final Action mailed

5/18/2006 has also been maintained in this action and is set forth below.

New grounds of rejection of claim 15 under 35 USC 103(a) have been found and are set forth

below.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 8-11, 13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by**

Brunson (US 2001/0034664).

   Regarding claim 8, Brunson teaches:

providing a computer network (see at least: abstract, Fig. 1);

providing a database connected to the computer network wherein the database stores

merchant information associated with the merchant and further wherein the merchant

information has the location of the merchant within the multi-dealer retail establishment (see at

least: abstract, 0007, 0029, 0038, Fig. 1, 3-11);

inputting a product list of the merchant into the merchant information in the database

wherein the product list has item information associated with items offered for sale by the

merchant (see at least: abstract, 0007, 0029, 0038); The Examiner notes that the product server

database contains information on products available from various retailer (i.e. a list of products

available at the different retailers);

providing a terminal in the multi-dealer retail establishment wherein the terminal access

the database for displaying the merchant information of the merchant in the database via a

computer network wherein the terminal is only accessible at the multi-dealer retail establishment

(see at least: abstract, 0007, 0027, Fig. 1, 10-11); The Examiner notes that the kiosk may be

located in many venues such as a shopping mall (i.e. *multi dealer establishment*) wherein the

kiosk is only accessible in that venue (e.g. the user may only access the shopping mall kiosk

while in the shopping mall).

searching the product list in the merchant information based on item information

associated with the item (see at least: abstract).

determining the location of the merchant in the multi-dealer retail establishment based

on the product list wherein the terminal displays the location of the item in the multi-retail

establishment based on the merchant information (see at least: abstract, 0007, 0035, 0038, Fig.

10-12). The Examiner notes that, based on the input criteria such as a specific product, the

system determines a retailer (i.e. a *merchant location* in the shopping mall) for that specific

product. Additionally, the interfaces used display the results (i.e. product location for a product

location search) on display 130 of Figure 1.

Regarding claims 9-11, Brunson teaches:

(9) *wherein the computer network is the internet* (see at least: 0030);

(10) *wherein the first access to the database is wireless* (see at least: 0031);

(11) *providing a remote server and storing the database on the remote server* (see at

least: Fig. 1).

Regarding claim 13, Brunson teaches *wherein the first access is from a remote computer*

terminal with respect to the database (see at least: abstract, Fig. 1).

Regarding claim 18, Brunson teaches *wherein the item information includes geographic information associated with the item for sale by the merchant* (see at least: abstract,). The Examiner notes that returning a product location from the database constitutes returning *geographic information* on the product.

Regarding claims 1 and 2, the limitations set forth in claims 1 and 2 closely parallel the limitations of claims 8 and 9. Claims 1 and 2 are thereby rejected under the same rationale.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 12, 14-15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of Pugliese III et al (US 2001/0044751, herein referred to as Pugliese).**

        Regarding claim 12, Brunson teaches all of the above but does not expressly teach *providing a second access to the database for modifying the merchant information in the database via the computer network.* Pugliese teaches a shopper system for accessing merchant information via various portals such as a mall or in-store kiosk (see at least: abstract). Pugliese further teaches *providing a second access to the database for modifying the merchant information in the database via the computer network* (see at least: 0332, 0334-0335, 0341). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included *providing a second access to the database for modifying the merchant information in the database via the computer network* as taught by Pugliese in order to provide a system that supports existing merchants and malls to better serve customer by providing easy access to merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claim 14, Brunson teaches all of the above as noted but does not expressly

teach *providing a password for accessing the merchant information in the database via the*

computer system. Pugliese teaches *providing a password for accessing the merchant information*

in the database via the computer system (see at least: 0332, 0334-0335, 0341). It would have

been obvious to one of ordinary skill in the art at the time of invention to have modified the

invention of Brunson to have included *providing a password for accessing the merchant*

information in the database via the computer system as taught by Pugliese in order to provide a

system that supports existing merchants and malls to better serve customer by providing easy

access to merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claim 17, Brunson teaches all of the above and further teaches uploading

images in real-time to shoppers (see at least: Fig. 11). Brunson, however, does not expressly

teach *downloading an image into the item information of the item in the database via the*

computer network wherein the image is associated with the item. Pugliese teaches *downloading*

an image into the item information of the item in the database via the computer network wherein

the image is associated with the item (see at least: 0039, 0125, 0150, 0271, Fig. 15). It would

have been obvious to one of ordinary skill in the art at the time of invention to have modified the

invention of Brunson to have included *downloading an image into the item information of the*

item in the database via the computer network wherein the image is associated with the item as

taught by Pugliese in order to provide a system that supports existing merchants and malls to

better serve customer by providing easy access to merchandise and sales assistance (see at least:

Pugliese, abstract).

Regarding claim 19, Brunson teaches all of the above and further teaches a user

inputting information and performing a search based on the information (see at least: abstract).

Brunson however does not expressly show inputting user information *into the database via the*

computer system wherein the information is associated with the user and *searching the product*

list in the merchant information based on the user information. Pugliese teaches inputting user

information *into the database via the computer system wherein the information is associated*

with the user and *searching the product list in the merchant information based on the user*

information (see at least: 0086, 0117, 0143, 0177-0179). It would have been obvious to one of

ordinary skill in the art at the time of invention to have modified the invention of Brunson to

have included inputting user information *into the database via the computer system wherein the*

information is associated with the user and *searching the product list in the merchant*

information based on the user information as taught by Pugliese in order to provide a system

that supports existing merchants and malls to better serve customer by providing easy access to

merchandise and sales assistance (see at least: Pugliese, abstract).

Regarding claim 20, Brunson teaches all of the above and further teaches accessing

product availability information (see at least: abstract). Brunson, however, does not expressly

show *inputting inventory of the merchant into the database via the computer system wherein the*

inventory is associated with the product list of the merchant and further wherein the inventory

includes the item for sale and modifying the inventory of the merchant via the computer system.

Pugliese teaches *inputting inventory of the merchant into the database via the computer system*

wherein the inventory is associated with the product list of the merchant and further wherein the

inventory includes the item for sale and modifying the inventory of the merchant via the

computer system (see at least: 0099, 0126, 0140). It would have been obvious to one of ordinary

skill in the art at the time of invention to have modified the invention of Brunson to have

included *inputting inventory of the merchant into the database via the computer system wherein*

the inventory is associated with the product list of the merchant and further wherein the

inventory includes the item for sale and modifying the inventory of the merchant via the

computer system as taught by Pugliese in order to provide a system that supports existing

merchants and malls to better serve customer by providing easy access to merchandise and sales

assistance (see at least: Pugliese, abstract).

5.   **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in**

view of Russell.

Regarding claim 15, Brunson teaches all of the above as noted and further teaches *a*

remote server wherein the database is contained on the remote server (see at least: Fig. 1, 0030).

Brunson, though teaching the use of the Internet, does not expressly teach *a computer website*

providing access to the database wherein the computer website is remote with respect to the

database. Russell teaches *a computer website providing access to the database wherein the*

computer website is remote with respect to the database (see at least: abstract, 0007, 0009,

0012). Additionally, the user may access the database through the web site over a wireless

network using a dedicated computer system supplied at the tradeshow (see at least: abstract,

0012). By accessing the database wirelessly through the web page, the web page is remotely located from the database at the computer of the user. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Brunson to have included *a computer website providing access to the database wherein the computer website is remote with respect to the database* as taught by Russell in order to allow vendors to upload information into an electronic database compatible with searchable reader software thereby facilitating efficient search for and generation of desired information for a user in a multi dealer establishment (see at least: Russell, abstract, 0006, 0008).

6.   **Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunson in view of PTO 892 reference u (herein referred to as 892u).**

Regarding claim 16, Brunson teaches all of the above as noted and further teaches locating a product (see at least: abstract). Brunson, however, does not expressly teach *displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map*. 892u teaches *displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map* (see at least: Page 1). It would have been obvious to one of ordinary skill in the art to have modified the invention of Brunson to have included *displaying an electronic map wherein the location of the merchant associated with the item information is displayed on the electronic map* as taught by 892u in order to provide an easy, interactive means for displaying an animated map directing a customer to a particular store (see at least: 892u, Page 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- US 20020006788 discloses a method and apparatus for a mobile access system delivering
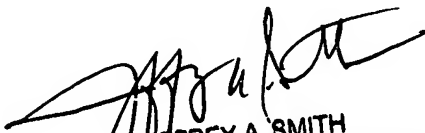
    location based information and services

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William J. Allen whose telephone number is (571) 272-1443.

The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen
Patent Examiner
September 25, 2006

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